

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

## **ORDER**

This matter is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley on August 6, 2010 [Doc. 17]. There have been no timely objections to the Report and Recommendation by plaintiff or defendants, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After careful review of this matter, the Court is in agreement with Magistrate Judge Shirley's recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 17], and **DENIES** plaintiff's motion/application for leave to proceed in forma pauperis [Doc. 14]. In addition, this Court has carefully reviewed this case pursuant to 28 U.S.C. § 1915(a) and hereby **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal in this matter by plaintiff would not be taken in good faith and plaintiff may not proceed on appeal *in forma pauperis*. If plaintiff files a notice of appeal, she must pay the full \$455 appellate filing fee

or file a motion to proceed *in forma pauperis* and supporting affidavit in the United States Court of Appeals for the Sixth Circuit within thirty (30) days of the entry of this order.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE